

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
ADAM LEE RUSSELL, and) CASE NO. 09-69300 WLH
MELISSA DIANA RUSSELL,)
)
DEBTORS.)

ADAM LEE RUSSELL, and)
MELISSA DIANA RUSSELL,)
Movants,)
) OBJECTION TO
v.) PROOF OF CLAIM
)
REAL TIME RESOLUTIONS, INC., as)
AGENT FOR CHASE HOME FINANCE,)
[Claim # 2])
Respondent.) CONTESTED MATTER

OBJECTION TO PROOF OF CLAIM #2 OF
REAL TIME RESOLUTIONS, INC., AS AGENT FOR CHASE HOME FINANCE,
OF DEADLINE FOR RESPONDING, AND OF HEARING

NOTICE IS HEREBY GIVEN that an Objection to Proof of Claim has been filed in the above-styled case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, or if you want the court to consider your views, then on or before **October 17, 2014**, you or your attorney must:

(1) File with the court a written response, explaining your positions and views as to why your claim should be allowed as filed. The written response must be filed at the following address:

M. Regina Thomas
Clerk, U.S. Bankruptcy Court
75 Spring St SW, Room 1340
Atlanta, GA 30303

If you mail your response to the Clerk for filing, you must mail it early enough so that the Clerk will **actually receive** it on or before the date stated above.

(2) Mail or deliver a copy of your written response to the Objector's attorney at the address stated below. You must attach a Certificate of Service to your written response stating when, how, and on whom (including addresses) you served the response.

If you or your attorney do not file a timely response, the court may decide that you do not oppose the relief sought, in which event the hearing scheduled below may be cancelled and the court may enter an order disallowing your claim as requested without further notice and without a hearing.

If you or your attorney file a timely response, then a hearing will be held in Room 1403, U.S. Courthouse, 75 Spring Street, Atlanta, Georgia 30303, at 9:30 a.m. on **October 22, 2014**. You or your attorney must attend the hearing and advocate your position.

DATED: September 12, 2014

By:

RODERICK H. MARTIN & ASSOCIATES, P.C.

/s/

Roderick H. Martin

Georgia Bar No. 473510

NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
ADAM LEE RUSSELL, and)	CASE NO. 09-69300 WLH
MELISSA DIANA RUSSELL,)	
)	
DEBTORS.)	

ADAM LEE RUSSELL, and)	
MELISSA DIANA RUSSELL,)	
Movants,)	
)	<u>OBJECTION TO</u>
v.)	
)	<u>PROOF OF CLAIM</u>
REAL TIME RESOLUTIONS, INC., as)	
AGENT FOR CHASE HOME FINANCE,)	
[Claim # 2])	
Respondent.)	CONTESTED MATTER

OBJECTION TO CLAIM #2
OF REAL TIME RESOLUTIONS, INC.

NOW COME the Debtors in the above-styled Chapter 13 case and object to the allowance of the claim (#2) of Real Time Resolutions, Inc. ("Creditor"), in the amount of \$36,952.75, and in support show the following:

1.

Creditor filed this claim on August 9, 2012, as an amended unsecured claim for alleged deficiency for a second mortgage lien on foreclosed property located at 1864 Canoe Ridge, Kennesaw, GA 30152.

2.

Debtors surrendered the property pre-confirmation. According to the Cobb County real estate records, the property foreclosure took place November 3, 2009.

3.

Debtors object to the claim being paid as the claim is subject to setoff. No evidence is attached to the claim reflecting the foreclosure sale, any sale proceeds, or any amounts paid toward the second mortgage indebtedness.

4.

Because of the lack of documentation attached to the claim, there is no record of assignment from the alleged original creditor Chase Home Finance to Real Time Resolutions, Inc., or any other agent.

5.

This Proof of Claim should therefore be disallowed in its entirety.

WHEREFORE, Debtors respectfully request this honorable Court disallow said claim, and that Debtors receive such other and further relief as is just and proper.

DATED: September 12, 2014

Respectfully submitted,

RODERICK H. MARTIN & ASSOCIATES, P.C

By: /s/
Roderick H. Martin
Georgia Bar No. 473510

279 Washington Ave. NE
Marietta, Georgia 30060-1980
(770) 427-5853
(770) 427-5869 (fax)
rmartin@cutdebt.com

CERTIFICATE OF SERVICE

This is to certify that pursuant to B.R. 1009 I have sent a copy of the foregoing **OBJECTION to ALLOWANCE of CLAIM** via ECF upon the Chapter 13 Trustee Nancy J. Whaley, and depositing the same in the United States Mail with sufficient postage affixed thereon to insure delivery and addressed to the following parties:

Adam Russell
2707 County Line Rd NW
Acworth, GA 30101

Melissa Russell Limonta
2435 Anderson Estates Court
Marietta, GA 30064

Cynthia Allman
Real-Time Resolutions
Vice President of Bankruptcy
Agent for Chase Home Finance
1349 Empire Central
Ste #150
P O Box 36655
Dallas, TX 75247

JPMorgan Chase Bank
c/o CT Corporation System
1201 Peachtree Ste NE
Atlanta, GA 30361

Real Time Resolutions, Inc.
P O Box 35888
Dallas, TX 75235-0888

DATED: September 12, 2014

By:

RODERICK H. MARTIN & ASSOCIATES, P.C.

_____/s/
Roderick H. Martin
Georgia Bar No. 473510